

**County of Santa Clara**  
**Registrar of Voters**



24-2100

**DATE:** January 23, 2024 (Item No. 23)

**TO:** Board of Supervisors

**FROM:** Shannon Bushey, Registrar of Voters

**SUBJECT:** Approval of Fiscal Year 2024 State Homeland Security Grant Program  
Application and Anticipated Surveillance Impact Reports

**RECOMMENDED ACTION**

Consider recommendations relating to Federal Fiscal Year 2024 State Homeland Security Grant Program application. (Registrar of Voters)

Possible action:

- a. Approve Grant Application to the California Governor's Office of Emergency Services for Federal Fiscal Year 2024 State Homeland Security Grant Program relating to the Registrar of Voters Election Security equipment in the amount of \$56,472 for period September 1, 2024 through May 31, 2027, that includes funding for surveillance technology.
- b. Receive the Registrar of Voters Anticipated Surveillance Impact Report for Badge Readers for 1555 Berger Drive County Warehouse Building.
- c. Receive the Registrar of Voters Anticipated Surveillance Impact Report for Video Intercoms for Berger Drive Campus.
- d. Adopt finding that the benefits of the surveillance technology outweigh the costs pursuant to Section A40-4 of the Santa Clara County Ordinance Code.

**FISCAL IMPLICATIONS**

There are no fiscal implications associated with approval of the recommended action. There is no match requirement for this funding opportunity. Following approval from the California Governor's Office of Emergency Services of the County's Federal Fiscal Year (FFY) 2024 State Homeland Security Grant Program (SHSGP) application, the County's Office of Emergency Management will return to the Board with a request to approve an Appropriation Modification for the FFY 2024 SHSGP award amount.

**REASONS FOR RECOMMENDATION AND BACKGROUND**

On August 15, 2023 (Item No. 79), the Board of Supervisors adopted, as it does annually, a Governing Body Resolution authorizing the County Executive, Chief Operating Officer, or a

Deputy County Executive to execute grant applications, grant agreements, grant budget modifications, reimbursement requests, and subsequent amendments relating to the State Homeland Security Grant Program (SHSGP), and approved a delegation of authority to the County Executive, or in the County Executive's absence or unavailability, the Chief Operating Officer or a Deputy County Executive, to negotiate, execute, amend, terminate, and take any and all necessary or advisable actions relating to obtaining grant funds, including grant budget modifications, reimbursement requests, subsequent amendments, and any and all actions necessary with the U.S. Department of Homeland Security, the California Governor's Office of Emergency Services (Cal OES), the Bay Area Urban Areas Security Initiative, and Building Resilient Infrastructure and Communities grant programs for period July 1, 2023 through May 31, 2026, following approval by County Counsel as to form and legality, and approval by the Office of the County Executive. The delegation of authority expires on December 31, 2026. The delegation of authority does not include actions to obtain or accept grant funds for the acquisition of surveillance technology.

On January 10, 2024, the SHSGP Anti-Terrorism Approval Authority (a body established under the grant requirements to review and approve project proposals and approve SHSGP funding allocations) met and approved including in the County's FFY 2024 SHSGP initial grant application to CalOES a \$56,472 proposal from the Registrar of Voters to purchase security equipment for election sites.

### **Registrar of Voters Election Security Equipment**

With increasing threats to election security emerging nationwide, the Office of the Registrar of Voters (ROV) continuously looks for new ways to enhance election security measures. With this goal in mind, the ROV's election security project focuses on advancing the County's physical security protocols through the acquisition of proven security equipment, including anti-climb fencing, video intercoms, signal repeaters, metal safety barriers, badge readers, and surveillance cameras. The additional security equipment will bolster the County's overall physical security of critical election technologies, as well as increase oversight of election operations.

Anti-climb fencing will be used to further fortify the low height wall structure between Building 1 and Building 2 at the Berger Drive campus. This wall structure separates the ROV's Berger Warehouse and main office from the public parking lot. The anti-climb security fencing will aide in preventing unauthorized access to county facilities and equipment. Installation of anti-climb fencing will require renovation to the existing wall structure but is not considered a public works project.

Video intercoms will be installed at designated entry points throughout the Berger Drive campus. These designated entry points have been identified by the department as high-risk areas in which confidential records and sensitive election equipment are stored. The video intercoms will allow for video display on a local monitor and will not have recording capabilities. Prior to acquisition and implementation, a Surveillance Use Policy and

Anticipated Surveillance Impact Report will be brought to the Board for review and approval.

Signal repeaters will amplify the signal quality of existing walkie-talkie radios. Radios are used during the voting period to allow security personnel to quickly mobilize and respond to accidents, disturbances, threats, and other security-related instances.

Safety barriers will be used for the purpose of vote center security, perimeter protection, defining walkways, and blocking off access to non-public areas. Metal safety barriers are known to be effective and easy to deploy, making them a practical security measure to employ at election offices and vote center locations.

Additional cameras and badge readers will enhance oversight of election assets and operations within the Berger Warehouse. The additional cameras and badge readers will augment existing equipment and will be incorporated within the ROV's current surveillance network system.

### **Requirements of the Surveillance-Technology and Community-Safety Ordinance**

The video intercoms, security cameras, and badge readers meet the County's criteria for surveillance technology under County Ordinance Code Division A40.

Section A40-2(a)(1) of the Ordinance Code requires County departments to obtain Board approval before applying for state or federal grant funds for surveillance technology purchases, including applying for the SHSGP grant funding from CalOES.

The Privacy Office in consultation with the Office of the County Counsel has determined that the video security cameras will be covered under the Countywide Surveillance Use Policy for Video Security Cameras, last updated on August 15, 2023. The Board-approved Countywide Video Security Cameras Anticipated Surveillance Impact Report is attached.

Likewise, the Privacy Office in consultation with the Office of the County Counsel has determined that the badge readers will be covered under the Countywide Facility Access Control Technology Surveillance Use Policy. An Anticipated Surveillance Impact Report for ROV's use of the anticipated badge readers is attached.

The County is in the process of developing a Countywide Surveillance Use Policy for video intercoms. That Policy will be brought to the Board for approval prior to ROV's purchase of video intercoms. An Anticipated Surveillance Impact Report for ROV's use of the anticipated video intercoms is attached.

### ***Benefits Outweigh Costs and Concerns***

Pursuant to Section A40-4 of the County of Santa Clara Ordinance Code, "...the Board shall assess whether the benefits to the impacted County department(s) and the community of the surveillance technology outweigh the costs including both the financial costs and reasonable concerns about the impact on and safeguards for privacy, civil liberties, and civil rights."

If grant funding is received, the use of video security cameras, badge readers, and video intercoms will enhance oversight of election assets and operations within the Berger Warehouse. They will not be used where there is a reasonable expectation of privacy. And the systems are not intended for facial recognition.

The County will not purchase or subgrant funds for surveillance technology or equipment with this grant that has not been approved by the Board.

CalOES requires Operational Areas (OA) to appoint an Anti-Terrorism Approval Authority to have final approval of the OA's application for Homeland Security Grant Program funds. The Approval Authority must consist of the following representatives: County Public Health Officer or designee responsible for Emergency Medical Services, County Fire Chief, one Municipal Police Chief (selected by the Santa Clara County Police Chiefs Association), one Municipal Fire Chief (selected by the Santa Clara County Fire Chiefs Association), and the County Sheriff.

On January 10, 2024, the Approval Authority approved including in the County's FFY 2024 SHSGP initial grant application to CalOES a \$56,472 proposal from the Registrar of Voters to purchase security cameras and badge readers for election sites.

### **CHILD IMPACT**

The recommended action will have no/neutral impact on children and youth.

### **SENIOR IMPACT**

The recommended action will have no/neutral impact on seniors.

### **SUSTAINABILITY IMPLICATIONS**

The recommended action will have no/neutral sustainability implications.

### **CONSEQUENCES OF NEGATIVE ACTION**

Failure to approve these actions would prevent the Registrar of Voters from accessing a FFY 2024 SHSGP funding opportunity to address public safety needs and enhance homeland security.

### **STEPS FOLLOWING APPROVAL**

The Clerk of the Board of Supervisors is requested to notify Michelle Sandoval in the Office of Emergency Management and Shannon Bushey and Vanessa Hamm in the Office of the Registrar of Voters, once the processing of this legislative file is completed.

### **ATTACHMENTS:**

- Countywide Video Security System Anticipated Surveillance Impact Report
- Registrar of Voters Badge Readers for 1555 Berger Drive County Warehouse Building Anticipated Surveillance Impact Report
- Registrar of Voters Video Intercoms for Berger Drive Campus Anticipated Surveillance Impact Report